

Application No.: 09/837,071
Filing Date: April 18, 2001

REMARKS

Applicant's representatives would like to thank Examiner Champagne for the courtesy he extended during the interview conducted on February 9, 2010.

By this paper, Claims 1, 5, 21, and 24 have been amended. Claims 1-3, 5-6, 8-22, 24-25, and 27-36 remain pending and are presented for further examination.

A. Summary of Claimed Invention

From the interview and outstanding Office Action, Applicant believes there is some confusion as to the subject matter of Applicant's claimed invention. As a courtesy to Examiner Champagne, Applicant herewith is providing a summary of Applicant's invention in claim 1 with references to the relevant disclosure in the specification. Only exemplary citations to the specification are being given and these citations illustrate specific examples and embodiments of the recited claim elements, and do not limit the claims. Except where indicated otherwise, the reference numbers and reference characters included in the claim summaries appear in Fig. 4 of the application.

Claim 1 is directed to an aggregated information system [110] comprising:

an aggregating application in communication with a plurality of remote information systems[120a, 120b] that are configured to communicate with a plurality of reception devices [130a, 130b], said aggregating application executing in one or more computer processors and configured to:

aggregate original message data and response message data from different ones of said plurality of remote information systems to create aggregated message and response data relating to a topic, wherein the original message data relates to a previously posted new message and wherein the response message data relates to a previously posted response message to the previously posted new message [Fig. 7, step 704;

provide said aggregated message and response data to a different reception device [130c; Fig. 7, step 712] that is configured to post message data to the aggregated information system;

receive at the aggregating application, additional message data from said different reception device [130c], wherein said additional message data from said different reception device comprises at least one of additional response message data or additional original message data, the additional response message data relating to response message responding to the previously posted new message and the additional original message data relating to a new message [Fig. 7, steps 714 and 716];

aggregate said additional message data with said aggregated message and response message data [Fig. 7, step 728]; and

determine whether at least one of said remote information systems [120a, 120b] contains information relating to a topic of said additional message data [Fig. 7, steps 718 and 720]; and

provide the additional message data to the at least one of said remote information systems [120a, 120b] based on the determination that said at least one of said plurality of remote information systems contains information relating to a topic of said additional message data [Fig. 7, steps 722 and 726];

wherein the aggregated information system [110] is separate from the plurality of remote information systems [120a, 120b] and the plurality of reception devices [130a, 130b], and the plurality of reception devices [130a, 130b] is separate from the different reception device [130c].

B. Claims 1-3, 5-6, and 8-20, as amended, are Definite

The Office Action rejects claims 1-3, 5-6, and 8-20 under 35 U.S.C. 112, 2nd paragraph as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. In particular, the Office Action alleges that the term "an aggregated information system" is indefinite. Office Action at 3. Applicant respectfully disagrees. The Office Action states that the Examiner interprets an "aggregated information system" as electronic network having the properties of the present invention. Office Action at 3. This

Application No.: 09/837,071
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characterization is incorrect.¹ Applicant's specification clearly states that "The aggregated information system 110 and the remote information system 120 are shown in greater detail in FIG. 2. Specifically, the aggregated information system 110 further includes a memory device 116, a server 112, and an aggregating application 114 adapted to aggregate information from the plurality of remote information systems 120." Published Application at ¶ 0023. That is the aggregated information system is not an electronic network but an information system that comprises a memory device, a server, and an application program. As such, aggregated information system is definite and supported by Applicant's specification.

Furthermore, the Office Action also appears to misconstrue Applicant's specification. The Office Action correctly states that the specification states a reception device can operate on an aggregated information system. Office Action at 2. However, "operating on" does not constitute operating on a network as the Office Action apparently alleges. The Specification clearly indicates that "operating on" means communicating with (e.g., "In the present invention, the aggregated information system 110 also communicates with these remote information systems 120a, 120b, as well as at least one communicating reception device 130c;" Published Application at ¶ 0028).

Therefore, Applicant submits that claims 1-3, 5-6, and 8-20 are not indefinite and respectfully request withdrawal of these rejections.

C. Claims 1-3, 5-6, 8-22, 24-25, and 27-36, as amended, are directed to Statutory Subject Matter

The Office Action rejects claims 1-3, 5, 6, 8-22, 24, 25, and 27-36 under 35 U.S.C. § 101 as being allegedly directed to nonstatutory subject matter. Applicant appreciates Examiner Champagne's clarification as to his interpretation of Gutta (*Ex Parte Gutta* (BPAI 2009)(Precedential)). Specifically, Examiner Champagne stated that the present claims need to be amended to define what "original message data" and "response message data" were so that substantially all practical applications are not pre-empted. Applicant respectfully traverses this rejection. However, to expedite prosecution, Applicant has amended independent claims 1 and 21 to define what is

¹ At pages 2-3 of the Office Action, many definitions are provided. Applicant traverses these

Application No.: 09/837,071
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meant by “original” and “response” message data. As such, Applicant respectfully requests withdrawal of these rejections.

D. Claims 1-3, 5-6, 8-22, 24-25, and 27-36, as amended, are Patentable in View of Herz

As discussed during the interview, Herz does not anticipate nor render obvious the elements of independent claims 1 and 21. For example, claim 1, as amendment, recites 4 separate elements: aggregate information system, plurality of information systems, plurality of reception devices, and a different reception device. These 4 separate elements are founds in FIG. 4, for example, at elements 110, 120 a &b, 130 a & b, and 130c, respectively.

In the Interview Summary, the Examiner referred to col. 30, lines 26-31 of Herz. These lines of Herz specifically recite “The various processors interconnected by the data communication network N as shown in FIG. 1 can be divided into two classes and grouped as illustrated in FIG. 2: clients and servers. The clients C1-Cn are individual user's computer systems which are connected to servers S1-S5 at various times via data communications links (emphasis added).” That is Herz does not teach or suggest the 4 separate elements, as claimed.

Moreover, it appears from the outstanding Office Action, the Examiner is interpreting Herz's teaching of Internet bulletin boards as the claimed plurality of remote information systems and the clients of Herz in the quoted passage above as the plurality of reception devices. OA at 6. However, Herz is silent as to a “different” reception device that is separate from the plurality of reception devices. That is, Herz is silent as to a different client device that communicates with the aggregate information system and that is separate than the plurality of client devices that communicate with the Internet bulletin boards.

As discussed in the specification, receiving “additional message data” as recited in Claims 1 and 21 “allows the additional reception devices to view message data that was previously post[ed] on anyone of the plurality of remote information systems, as well as message data that was previously posted on the aggregated information

definitions and submits that any claims should be construed in light of Applicant's specification.

Application No.: 09/837,071
Filing Date: April 18, 2001

system." *Specification*, page 4, lines 10-13 (emphasis added). In contrast, Herz fails to disclose posting on other than particular "virtual communities." Hence, as disclosed by Herz, in order to post a message, a user selects and posts directly to "core servers" of a particular "virtual community" not to an aggregation application. *Herz*, col. 78, lines 4-29. As such, Herz does not anticipate or render obvious claim 1.

Although claim 21 includes different features than claim 1, claim 21 is believed to be patentable over Herz for similar reasons as discussed above with reference to claim 1, where applicable, and because of the different features recited therein. Accordingly, Applicant respectfully submits that Herz fails to anticipate or render obvious Claims 1 and 21 as amended at least because Herz fails to teach or render obvious the features discussed above. As each of Claims 2-3, 5-6, 8-22, 24-25, and 27-36 depend from one of Claims 1 and 21, Applicant respectfully submits that Herz also fails to anticipate or render obvious each of these claims for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of the rejections in view of Herz.

E. No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

F. Conclusion

In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Application No.: 09/837,071
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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